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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,811	02/06/2002	Lori Greiner	13345.45US01	8440

7590 03/17/2003

Natalie D. Kadievitch  
Fedrikson & Byron, P.A.  
4000 Pillsbury Center  
200 South Sixth Street  
Minneapolis, MN 55402

[REDACTED] EXAMINER

SZUMNY, JONATHON A

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3632

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/068,811 Examiner Jon A Szumny	GREINER, LORI Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 January 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 44 and 50-92 is/are pending in the application.
- 4a) Of the above claim(s) 72-74,89 and 90 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 44,50-71,75-88,91 and 92 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
  a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4,5</u> | 6) <input type="checkbox"/> Other: _____                                    |

This is the second office action for application number 10/068,811, Jewelry Organizer, filed on February 6, 2002.

***Election/Restrictions***

Applicant's election of Group V (figures 9-11 and 13) directed to claims 44 and 50-62 in Paper No. 11 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Newly submitted claims 72, 73, 74, 89 and 90 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Regarding the elected embodiment of figures 9-11 and 13, the bottom section does not comprise a plurality of pivoting trays, and the inner surface of the door does not comprise a rotatable earring stand.

Accordingly, claims 72, 73, 74, 89 and 90 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Objections***

Claims 51, 53-71, 75 and 77-92 are objected to because of the following informalities:

In line 1, "An" should be --The--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 88 and 91 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 88 and 91 recite the limitation "the dividers" in line 1. There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50-53, 55, 57, 67, 71, 76, 77, 82 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number 2,286,427 to Levensten in view of U.S. Patent number 2,995,409 to Simonsen.

Levensten '427 teaches an wood organizer (figure 1, column 1, line 35) comprising a top section (figure 1) with a lid (2) and a compartment (figure 1), a middle section (figure 1) located under the top section and having a compartment/plurality of drawers (figure 1), and a bottom section (figure 1) located under the middle section. However, Levensten '427 fails to specifically teach the top section to have a first set and

a second set of a symmetrically arranged plurality of drawers each of that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer.

Simonsen '409 divulges an organizer (figure 1) having top and middle sections (figure 1) wherein the top section has a first set and a second set of a symmetrically arranged plurality of drawers each of that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer wherein a lid (11,12) covers the drawers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the top section of Levensten '427 as in Simonsen '409 so as to have a first set and a second set of a symmetrically arranged plurality of drawers each of that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer wherein the drawers are covered by a lid in order to increase the utility and adjustability of the organizer of Levensten '427 so as to appeal to a greater number of users.

Claims 50-53, 55, 67, 76, 77 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number 6,045,202 to Simon in view of Simonsen '409.

Simon '202 discloses an organizer (figure 1) comprising a top section (figure 1) with a lid (14) and a compartment (figure 1), a middle section (figure 1) located under the top section and having a compartment/drawer (figure 1), and a bottom section (figure 1) located under the middle section. However, Simon '202 fails to specifically

teach the top section to have a first set and a second set of a symmetrically arranged plurality of drawers each of that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer.

Simonsen '409 divulges an organizer (figure 1) having top and middle sections (figure 1) wherein the top section has a first set and a second set of a symmetrically arranged plurality of drawers each of that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer wherein a lid (11,12) covers the drawers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the top section of Simon '202 as in Simonsen '409 so as to have a first set and a second set of a symmetrically arranged plurality of drawers each of that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer wherein the drawers are covered by a lid in order to increase the utility and adjustability of the organizer of Simon '202 so as to appeal to a greater number of users.

Claims 54 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Simonsen '409, and in the alternative, over Simon '202 in view of Simonsen '409, and further in view of U.S. Patent number 1,600,830 to Lewis.

Simon '202 in view of Simonsen '409 teach the previous invention, and further show the teaching of a mirror (figure 1) on the inner surface of the lid. However, the mirror might not be interpreted as being such. Nevertheless, Lewis '830 reveals an

organizer (figure 1) with a top section with a lid (20) having a mirror (42) on an inner surface thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a mirror on the inner surface of the lid of Simon '202 in view of Simonsen '409 in order to increase the utility of the organizer by providing a convenient location for a mirror.

Claims 56, 63, 64, 80 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Simonsen '409, and further in view of U.S. Patent number 4,511,041 to Waitzman.

Simon '202 in view of Simonsen '409 teach the previous invention failing to specifically reveal the top and middle sections to be lined with an anti-tarnish cloth. However, Waitzman '041 discloses the use of an organizer where a tray/drawer/compartment is lined with an anti-tarnish cloth (column 1, lines 31-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have lined the drawers/compartments of the top and middle sections with an anti-tarnish cloth so as to protect articles placed within the organizer from damage or marring.

Claims 58-60, 62, 70, 75, 78, 79, 88 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Simonsen '409, and further in view of U.S. Patent number 2,268,637 to Bernstein.

Levensten '427 in view of Simonsen '409 teaches the previously described invention, wherein the interior spaces/compartments can be partitioned (column 4, lines 61-65), but fail to specifically show the drawer/compartment/lift out drawers/middle

section to include a plurality of removable/adjustable dividers hence dividing the drawer/compartment/lift out drawers/middle section into smaller sections/areas/compartments. However, Bernstein '637 discloses a compartment/drawer (18) with a plurality of removable/adjustable dividers (figure 4) located therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of removable dividers in the drawer/compartment/lift out drawers/middle section of Levensten '427 in view of Simonsen '409 as in Bernstein '637 so as to divide the drawer/compartment/lift out drawers/middle section into smaller sections/areas/compartments in order to allow objects or items located within the drawer/compartment/lift out drawers/middle section to be conveniently organized hence providing for a more orderly organizer.

Claims 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Simonsen '409, and further in view of British Application number 2,217,298 to Wood.

Simon '202 in view of Simonsen '409 teach the previous invention failing to specifically teach at least one of the lift out drawers to comprise a ring platform therein. However, Wood '298 teaches an organizer (figure 1) with a drawer/compartment including a ring platform (8) therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a ring platform as in Wood '298 in one of the lift out drawers of Simon '202 in view of Simonsen '409 so as to increase the utility of the organizer and allow rings and other similar jewelry to be conveniently stored and displayed within the organizer.

Claims 65, 66, 84 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Simonsen '409, and further in view of U.S. Patent number 1,131,713 to Kramer.

Simon '202 in view of Simonsen '409 divulge the previous invention failing to specifically teach a secret compartment to be located on the back of the organizer. However, Kramer '713 teaches an organizer (figure 1) with a "secret" compartment (figure 2, lines 32-34) on a backside thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a secret compartment on a backside of the organizer of Simon '202 in view of Simonsen '409 as in Kramer '713 so as to increase the utility of the organizer by providing for more storage for objects and items.

Claims 44, 68, 69, 86 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Simonsen '409 and U.S. Patent number 1,369,577 to Townley.

With respect to claims 44, 68 and 86, Levensten '427 in view of Simonsen '409 disclose the previous invention failing to specifically teach the middle section to have a pair of doors that can be pivoted to an open position to expose the plurality of drawers and to a closed position to conceal the plurality of doors. However, Townley '577 teaches an organizer (figure 1) including a top section and a middle section with a plurality of stacked drawers (18) with pivotal doors (13,14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the door of Levensten '427 in view of Simonsen '409 with a pair of pivotal doors as in

Townley '577 so as to provide for a more asthetically pleasing organizer in addition to providing for an alternate drawer concealing means.

Regarding claims 69 and 87, Levensten '427 in view of Simonsen '409 and Townley '577 teach the previous invention failing to specifically teach a bar to be located on an inner surface of the door of the middle section. However, Townley '577 teaches the inner surface of the door to have a bar (figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a bar on the inner surface of the door so as to increase the utility of the organizer by providing a convenient location to hang an object or item.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hancock, Jr. '244, Jenkins '351, Djezovic '024, Hesseltine '209, Chen '255 and Norman et al. '945 divulge various organizers and accessories therefor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 305-7687.

Art Unit: 3632

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
March 7, 2003



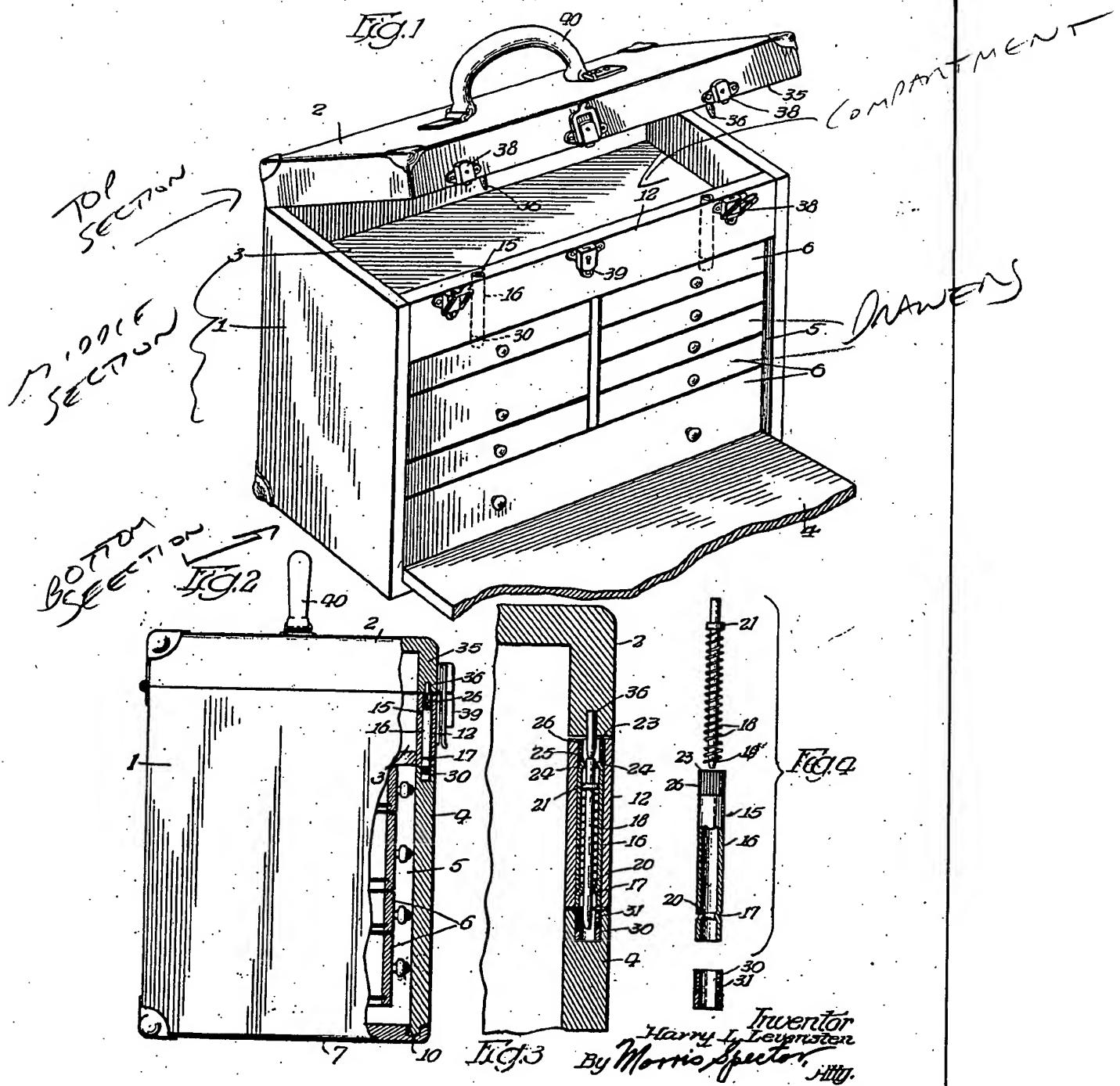
RAMON O. RAMIREZ  
PRIMARY EXAMINER  
ART UNIT 3632

June 16, 1942.

H. L. LEVENSTEN  
BOX OR CHEST FOR TOOLS

**2,286,427**

Filed Feb. 11, 1941



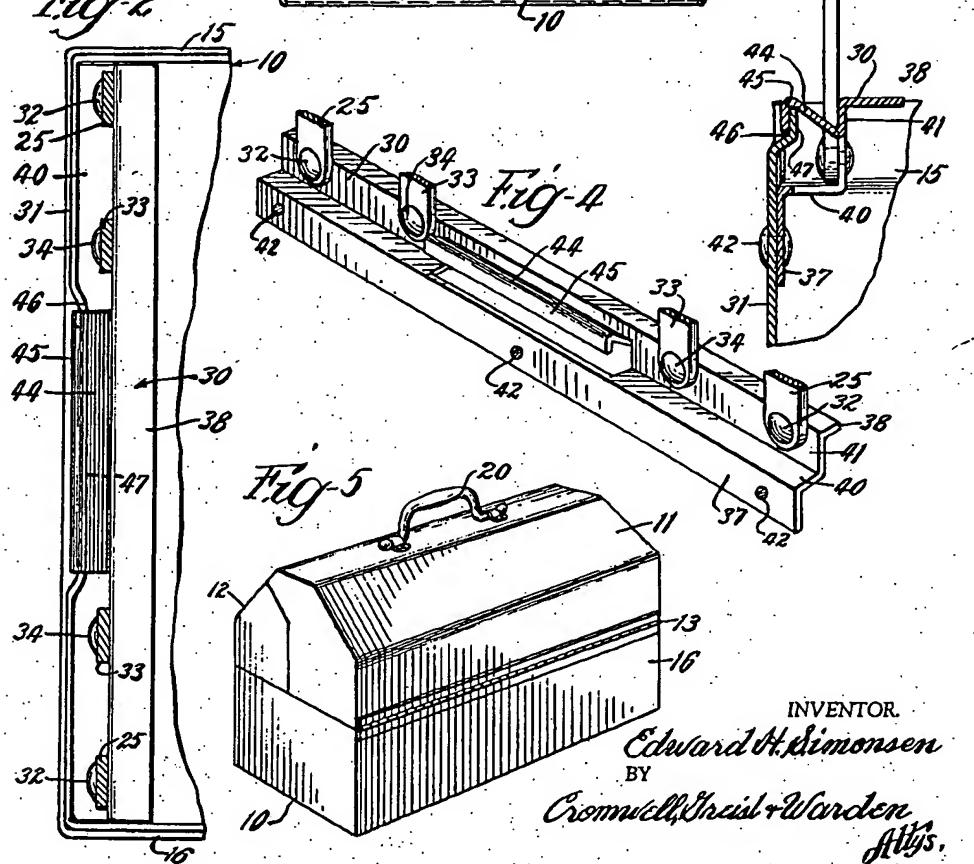
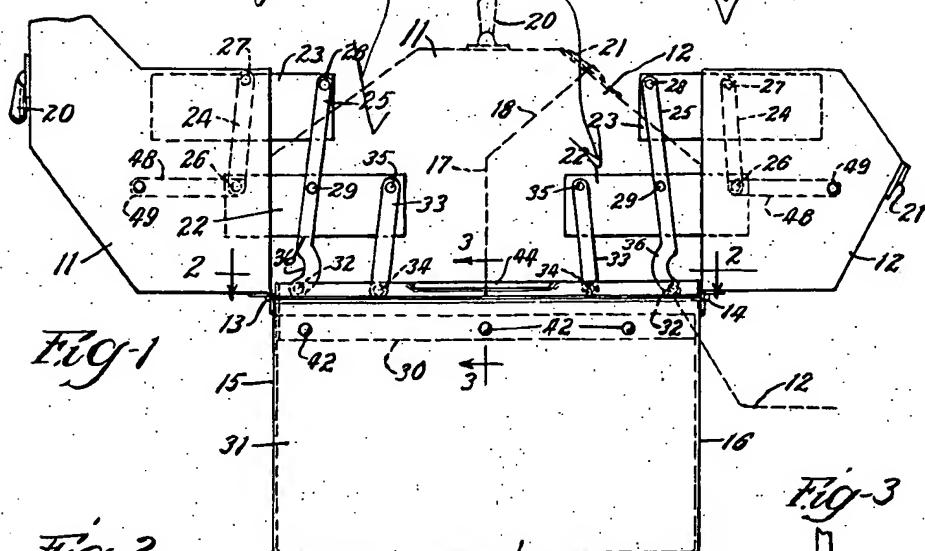
Aug. 8, 1961

E. H. SIMONSEN

2,995,409

### TRAY SUPPORT BRACKET

~~Filed June 13, 1958~~

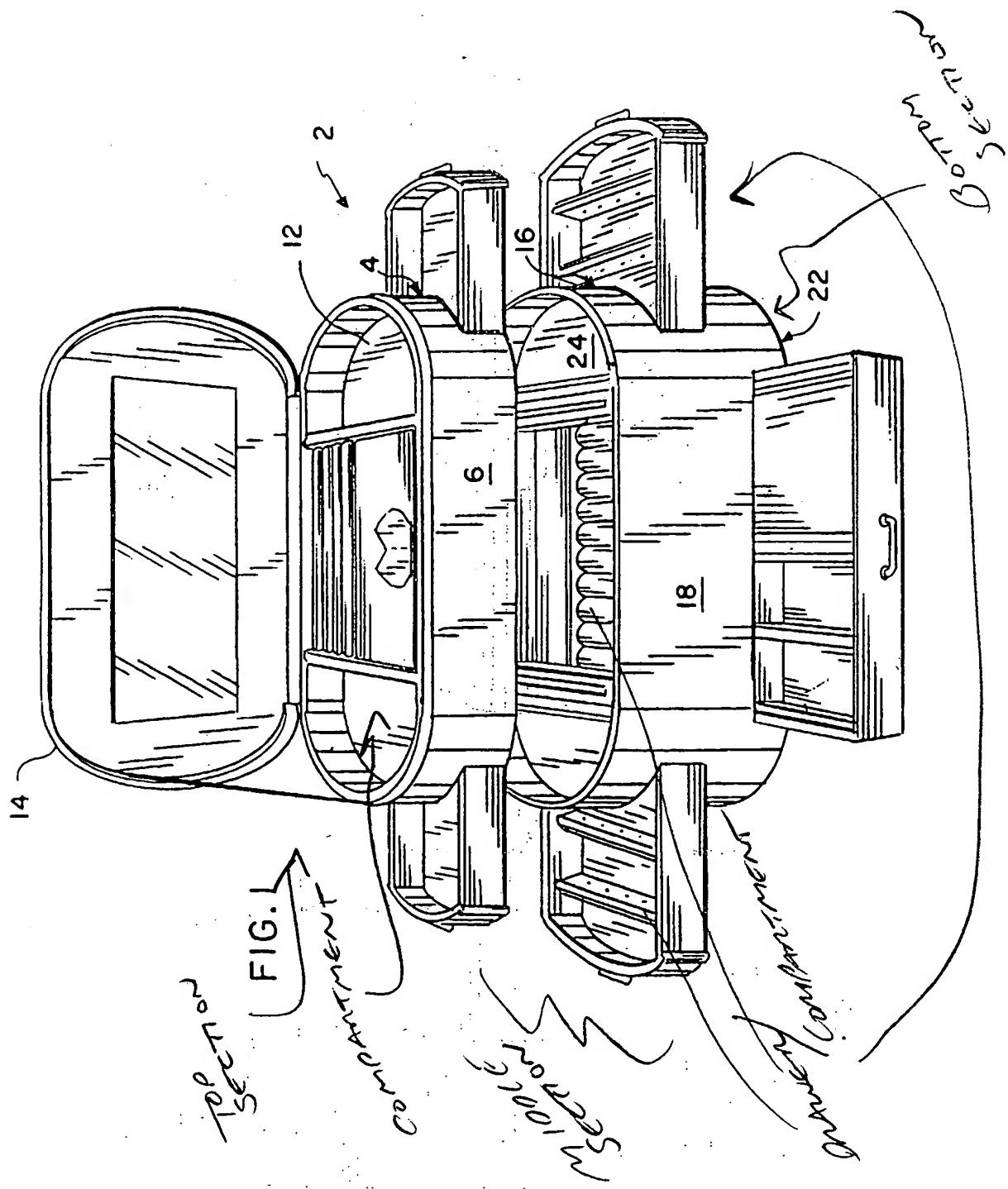


**INVENTOR.**

Edward H. Simonsen

BY

Cromwell, Greist & Warden  
Atlys.



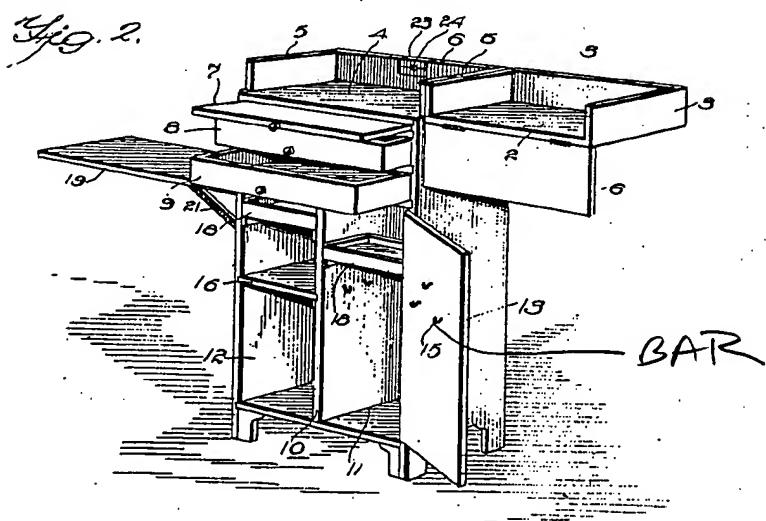
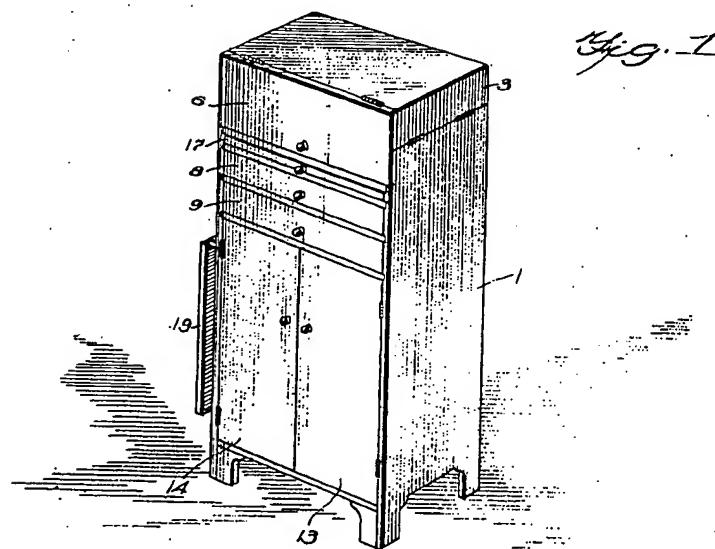
G. TOWNLEY (NOW BY MARRIAGE G. T. MILLER),  
KITCHEN CABINET.

APPLICATION FILED JUNE 9, 1920.

1,369,577.

Patented Feb. 22, 1921

2 SHEETS—SHEET 1.



Inventor.  
*Grace Townley*

*Ch. Parker*  
Attorney